

Introduced by Senator Ashburn

February 22, 2005

An act to add ~~Section 43830.2 to Article 6 (commencing with Section 43860) of Chapter 4 of Part 5 of Division 26 to the Health and Safety Code~~, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 975, as amended, Ashburn. Air quality: biodiesel fuel.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to establish, by regulation, various standards for gasoline and motor vehicle fuel.

This bill would provide that any public agency, or regulated utility ~~that uses~~ *may use* biodiesel or biodiesel blended fuel in a ~~vehicle~~ *qualified retrofitted diesel engine certified by the state board* to comply with federal ambient air quality requirements ~~is exempt from any requirement to retrofit that vehicle engine until the retrofit engine is approved for use with biodiesel fuel, federal energy policy statutes, federal executive orders, and other federal energy security mandates.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 43830.2 is added to the Health and~~
2 ~~Safety Code, to read:~~

1 SECTION 1. Article 6 (commencing with Section 43860) is
2 added to Chapter 4 of Part 5 of Division 26 of the Health and
3 Safety Code, to read:

4
5 Article 6. Biodiesel and Biodiesel Blend Fuels
6

7 43860. (a) Notwithstanding any other provision of law, any
8 federal, state, or local agency, or any regulated utility may utilize
9 biodiesel or biodiesel blend fuel in any retrofitted vehicular or
10 off-road diesel engine certified by the state board to comply with
11 the federal Clean Air Act, as amended, the federal Energy Policy
12 Act of 1992, as amended, Executive Order No. 13149, or any
13 other federal energy security mandate.

14 (b) For purposes of this section:

15 (1) "Biodiesel" means a fuel comprised of mono-alkyl esters
16 of long chain fatty acids derived from vegetable oils or animal
17 fats, designated B100, and meeting the requirements of the
18 American Society for Testing and Materials (ASTM) D-6751.

19 (2) "Biodiesel Blend" means a blend of biodiesel fuel meeting
20 the requirements of the American Society for Testing and
21 Materials (ASTM) D-6751 with petroleum-based diesel fuel,
22 designated BXX, where XX represents the volume percentage of
23 biodiesel fuel in the blend.

24 ~~43830.2. Notwithstanding any other provision of law, any~~
25 ~~public agency or regulated utility that uses biodiesel fuel in a~~
26 ~~vehicle engine to comply with federal ambient air quality~~
27 ~~requirements shall not be subject to any requirement to retrofit~~
28 ~~that vehicle engine until the retrofit engine is approved for use~~
29 ~~with biodiesel fuel.~~